

**REMARKS/ARGUMENTS**

Claims 1-4, 10-13, 17-19, and 22-37 are pending. Claims 5-9, 14-16, and 20-21 are canceled due to a Restriction Requirement. The remaining claims are rejected as follows:

- Claims 35 and 36 are rejected under 35 U.S.C. §112, first paragraph for lack of enablement.
- Claims 1-4, 10-13, 17-19 and 22-37 are rejected under 35 U.S.C. § 112, second paragraph, for being indefinite, as follows:
  - (a) The word "heterocycle" is not adequately defined;
  - (b) The phrase "R<sup>3</sup> is nothing, O, or hydrogen, when Z bonded to R<sup>3</sup> is nitrogen" is unclear;
  - (c) Claim 18 is improperly dependent on Claim 16.

There are no prior art rejections.

**Amendments**

Claim 35 has been amended so that it reads as suggested by the Examiner, so that a method for modulation of CCR-2 activity *in vitro* is claimed. This is well supported in the application. For example, the *in vitro* assay and modulation of CCR-2 are described on page 18, line 31, to page 19, line 28.

Claim 36 has been amended to claim a method of treating atherosclerosis with the compounds in this application. Treatment of atherosclerosis with CCR-2 antagonists is described on page 2, line 22 to page 3, line 19.

Extensive amendments to the claims were made to satisfy the restriction requirement.

The definition of heterocycle was made definite by incorporating the list of heterocyclic rings that are suitable as substituent groups on page 17, lines 13-27.

The phrases that "R<sup>3</sup> is nothing, O, or hydrogen, when Z bonded to R<sup>3</sup> is nitrogen" and an analogous phrase for R<sup>4</sup> have been deleted from the definitions of R<sup>3</sup> and R<sup>4</sup> in Claim 1. These are apparently meant to apply to R<sup>3</sup> and R<sup>4</sup>, which are bonded to D and X

respectively, when D and X are nitrogen. Since D and X cannot be N under the Restriction Requirement, these were deleted.

The dependency of Claim 18 has been corrected so that it depends on Claim 17. This is a correction of an obvious error, since D in Claims 17 and 18 is carbon, and D in Claim 16 is nitrogen.

**Rejections of Claims 35 and 36 under 35 U.S.C. § 112, first paragraph**

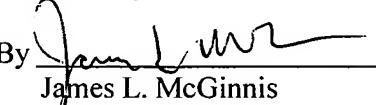
The rejection of Claim 35 has been addressed by amending the claim as recommended by the examiner. The rejection of Claim 36 has been addressed by directing the claim to a single disease rather than a broad family of related diseases. Claim 37 was not changed as it was rejected only for being dependent on other rejected claims. It is directed to the treatment of a specific disease.

**Rejections of Claims 1-4, 10-13, 17-19, and 22-37 under  
35 U.S.C. § 112, second paragraph**

- (a) As explained above, a list of heterocycles has been incorporated into Claim 1 to address the rejection of the word "heterocycle" for being indefinite. The list provides definite heterocycles.
- (b) As explained above the phrase " $R^3$  is nothing, O, or hydrogen when Z bonded to  $R^3$  is nitrogen" has been deleted from the definition of  $R^3$ , and the corresponding phrase for  $R^4$  has been deleted from the definition of  $R^4$ . The rejection is therefore moot.
- (c) The dependency of Claim 18 has been corrected.

Summary

The rejections have all been addressed and overcome. It is respectfully submitted that the claims are in condition for allowance. Issuance of a Notice of Allowance is respectfully requested. If the Examiner wishes to discuss any matter relating to this application, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,  
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